

10/810,547

REISSUE PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: THOMPSON ET AL. Original Patent No.: 6,363,200 B1
Original Patent Filing Date: OCTOBER 13, 2000 Original Patent Issue Date: MARCH 26, 2002
Reissue Application Filing Date: MARCH 26, 2004 Attorney Docket No.: 2316.926USRE
Reissue Serial No.: 10/810,547
Title: OUTSIDE PLANT FIBER DISTRIBUTION APPARATUS AND METHOD

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 22, 2004.

By: Kristine A. Wallace
Name: Kristine A. Wallace

PETITION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Sir:

In accordance with 37 C.F.R. §1.47(a), applicants Patrick Thompson and Anthony L. Tischler, hereby request that the Reissue Declaration filed in the above-referenced application be accepted on behalf of nonsigning inventor, Brian L. Johnson, last known address, 7670 Berkshire Way, North, Maple Grove, MN, 55311. Mr. Johnson has refused or is unavailable to sign the Declaration and diligent efforts, described in the accompanying Statement of Facts, have been made to contact Mr. Johnson. Accordingly, Applicants request that the Reissue Declaration filed herewith, including a blank signature block for Mr. Johnson with his last known address listed, be treated as having been signed on behalf of Mr. Johnson by the signing inventors, as provided in MPEP §409.03(a).

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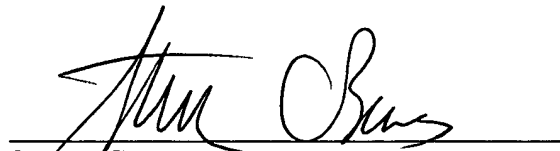
Enclosed is a check for \$130.00 as required under 37 C.F.R. §1.17(h) for the petition fee.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date:

Sept. 22, 2004


Steven C. Bruess
Reg. No. 34,130
SCB:ARS:PLSkaw



S/N 10/810,547

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By: Kristine A. Wacek
Name: Kristine A. Wacek

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. 1.47)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

Identification of Person Making this Statement of Facts

Steven C. Bruess
Attorney for Patent Assignee ADC Telecommunications, Inc.
Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903

Last Known Address of the Nonsigning Inventor

Brian L. Johnson, a citizen of the United States of America
7670 Berkshire Way North
Maple Grove, Minnesota 55311

Details of Efforts to Reach Nonsigning Inventor

On March 26, 2004, a request for reissue was filed with regard to U.S. Patent No. 6,363,200, including new claims added by preliminary amendment. As required by 37 C.F.R. §§1.63, and 1.175, a reissue declaration was prepared for execution by the named inventors of the above-referenced application.

The reissue declaration was presented by me to two of the three named inventors, Patrick Thompson and Anthony L. Tischler, both of whom signed the document stating that they are inventors of the invention claimed in the new claims and that the errors upon which the reissue application is based were made without deceptive intent.

A copy of the reissue declaration, along with a copy of the issued patent and the preliminary amendment with the newly added claims of the reissue application were forwarded to the third inventor, Brian L. Johnson, at his last known address, in a letter dated July 6, 2004. A reply was requested no later than July 26, 2004. A copy of the letter accompanying the declaration, patent and claims is attached herewith.

No reply was received from Mr. Johnson regarding the reissue declaration or the accompanying letter.

On August 30, 2004, I attempted to contact Mr. Johnson at his last known telephone number, (763) 494-3109. Mr. Johnson did not answer. I left a voice mail message at that number for Mr. Johnson, requesting that he contact me at his earliest convenience. The voice mail system did indicate that this was a correct number for reaching a Mr. Brian Johnson.

To date, we have received no reply from Mr. Johnson regarding the reissue declaration.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: _____

Sept. 22, 2004

A handwritten signature in black ink, appearing to read "Steven C. Bruess", written over a horizontal line.

Steven C. Bruess
Reg. No. 34,130
SCB:ARS:PLSkaw



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sbruess@merchant-gould.com

July 6, 2004

Brian L. Johnson
7670 Berkshire Way North
Maple Grove, Minnesota 55311

Re: M&G 2316.926-US-RE
Reissue Application for U.S. Patent No. 6,363,200 in the United States
OUTSIDE PLANT FIBER DISTRIBUTION APPARATUS AND METHOD

Dear Brian:

We represent ADC Telecommunications, Inc., in connection with a recently filed reissue patent application entitled "Outside Plant Fiber Distribution Apparatus and Method" for U.S. Patent No. 6,363,200. New claims 10-34 are being added to the patent as shown in the attached Preliminary Amendment. We understand you, Patrick Thompson, and Anthony Tischler are the inventors of the new claims.

ADC has asked me to contact you directly to obtain your signature for a Patent Office paper. Please find enclosed a Declaration for signature by you after you have reviewed the original patent and Preliminary Amendment as filed.

Adding new claims 10-34 is considered broadening of the patent. Based on our investigation, it was an error made without deceptive intent to not include claims of this scope in the original patent.

Please call me at (612) 336-4711 or Mike Ouyang at (952) 917-0577 if you have any questions. Please return the signed formal papers to me at your earliest convenience, and preferably no later than July 26, 2004.

Minneapolis/St. Paul
Denver
Seattle
Atlanta
Washington, DC

July 6, 2004

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Each inventor has a duty of disclosure to the Patent Office pursuant to Rule 56 (a copy of which is attached) as noted in the Declaration. If you have any prior art information not already delivered to ADC, please send it to me.

Very truly yours,

MERCHANT & GOULD P.C.



Steven C. Bruess

SCB/ju

Enclosures:

United States Patent No. 6,363,200
Copy of Preliminary Amendment as filed
Declaration document for signature
Copy of Rule 56

cc: Richard R. Carlson, ADC Telecommunications, Inc. (without enclosures)
Michael Ouyang, ADC Telecommunications, Inc. (without enclosures)